

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEDRICK RICHARDSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:11-CV-00479

CRIMINAL NO. 2:06-CR-100

JUDGE SMITH

MAGISTRATE JUDGE KING

OPINION AND ORDER

On May 15, 2012, the Magistrate Judge recommended that Petitioner's *Motion to Reject Respondent's Arguments*, Doc. No. 358 [*"Motion"*], be denied and that counsel be appointed to represent Petitioner at an evidentiary hearing on the claim of ineffective assistance of counsel during the plea negotiations stage. *Report and Recommendation*, Doc. No. 361. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation*, Doc. No. 361, is **ADOPTED** and **AFFIRMED**. Petitioner's *Motion*, Doc. No. 358, is **DENIED**. Counsel shall be appointed to represent Petitioner at an evidentiary hearing before the Magistrate Judge on the claim of ineffective assistance of counsel during the plea negotiations stage. Consideration of Petitioner's remaining claim will be deferred pending the outcome of the evidentiary hearing.

IT IS SO ORDERED.

 /s/ George C. Smith

GEORGE C. SMITH
United States District Judge